

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

**1. LICENSEE/LOCATION INSPECTED**

West Virginia Department of Transportation  
937 US Highway 19 South  
Weston, WV 26452

**2. NRC/REGIONAL OFFICE**

Region 1  
2100 Renaissance Blvd  
Suite 100  
King of Prussia, PA 19406-2713

**REPORT NUMBER(S) 2021001**

**3. DOCKET NUMBER(S)**

030-06674

**4. LICENSE NUMBER(S)**

47-07838-01

**5. DATE(S) OF INSPECTION**

07/19/2021 - 07/21/2021

**LICENSEE:**

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

\_\_\_\_\_ Non-cited violation(s) were discussed involving the following requirement(s):

- 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11. (Violations and Corrective Actions)

NRC License Condition No. 13.A of NRC License No. 447-07838-01, dated May 17, 2017, states that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

Contrary to the above, as of July 19, 2021, leak tests exceeded the frequency specified in the device certificates of registration. Specifically, the certificates of registration for the devices possessed by the licensee specify a 12 month leak test frequency and the last leak tests were performed June 1, 2020, and June 30, 2020; and the gauges were used in the field

The licensee's immediate corrective action included informing authorized users that nuclear density gauges could not be used until leak testing is performed. The licensee ordered leak test kits to perform leak testing for all gauges. Additionally, the licensee calibrates some gauges on an annual basis and these gauges get leak tested by the vendor. The licensee identified gauges that had been calibrated and had current leak test, and provided those to the authorized users for use.

This is a Severity Level IV Violation (NRC Enforcement Policy Section 6.3.d.8).

**Statement of Corrective Actions**

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE	Daniel Brayack, RSO	Daniel Brayack	Digitally signed by Daniel Brayack Date: 2021.08.24 12:34:03 -04'00'
NRC INSPECTOR	Juan Ayala	Juan Ayala	Digitally signed by Juan Ayala Date: 2021.08.23 17:38:02 -04'00'
BRANCH CHIEF	Christopher Cahill	Christopher G. Cahill	Digitally signed by Christopher G. Cahill Date: 2021.08.24 11:10:04 -04'00'